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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,229

Applicant(s)

SOLOFF ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 37 is objected to because of the following informalities:

In claim 37, line 3, applicant amended the claim to include additional material as recommended by the examiner. The new material, however, was not properly marked to indicate what was newly added. More specifically, in line 3, "and transmitted to said first network computer." must be underlined to indicate that it is a newly added claim limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 9, 12, 14-19, 21, 24, 25 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (6,675,385) (of record) in view of Shintani (5,668,591) (of record).

As to claim 1, Wang discloses a DSS terrestrial-satellite communications network (a satellite network which transmits digital MPEG data; column 4, lines 19-23 and column 4, lines 62-66) for delivering information (EPG data; column 4, lines 31-33) to a

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viewing device (Fig. 1; TV receiver, 34) without the need for a user to possess additional communications hardware (wherein the user simply requires a set top and display; column 3, lines 47-55), the network comprising:

means for selecting, acquiring (EPG Manager, 14; column 3, lines 56-67) and editing certain information (formatting by MPEG streamer, 18; column 4, lines 9-13);

a first network computer (Fig. 1; EPG database, 10 inherently contained in a computer) having memory storage means for storing said information (storing the EPG data; column 3, lines 37-41);

a central network computer (Fig. 1; a computer in headend, 16; column 3, lines 42-46);

means for transmitting the information from said first network computer to said central network computer (column 3, lines 56-61);

one or more communication satellites (direct broadcast satellite; column 4, lines 62-66) for receiving and transmitting broadcast signals (column 4, lines 62-66);

uplink means coupling the information from said central network computer to said satellites in the form of said broadcast signals (wherein an uplink means is inherently present for signals from the headend (16) to reach the satellite; column 4, line 62-66);

downlink means (wherein a downlink means is inherently present for signals from the satellite to reach the set top (24); column 4, line 62-66) coupling said broadcast signals from said satellites to a receiving antenna (wherein an antenna is inherently present for the set top to receive transmitted satellite signals) situated within said

satellite's coverage area (the antenna must be situated in the coverage area for the signal to be received);

an IRD (set top, 24) connected to said receiving antenna (the set top must be connected to the antenna to receive the satellite signals);

said viewing device connected to said IRD (Fig. 1) to receive the information (the set top sends EPG data to the television for display; EPG column 3, lines 47-53), said viewing device containing means for displaying the information on said viewing device (information is displayed on the television; column 3, lines 53-55).

While Wang discloses a viewing device (television, 34), he fails to specifically disclose wherein a memory is situated within the viewing device and a serial connection between said viewing device and the IRD and receiving data on the viewing device via the low-speed serial data port.

In an analogous art, Shintani discloses an information receiving system (Fig. 1) wherein a cable box (Fig. 1, 1) will download information from a center and transfer it to a remote unit (Fig 1, 10; column 3, lines 6-20) over an infrared port (column 3, lines 32-34 and lines 50-57) for storage and display on the remote unit (column 3, lines 38-49) related to the currently output display on a television screen (column 5, lines 22-27). This provides a more flexible, user-friendly means to view received information on a portable device.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include the use of wherein a memory is situated within the viewing device and a serial connection between said viewing

device and the IRD and receiving data on the viewing device via the low-speed serial data port, as taught by Shintani, for the typical benefit of providing a portable device which allows a user to view program information in a more flexible and user friendly way.

As to claim 12, Wang discloses a DSS terrestrial-satellite internet communications network (a satellite network which transmits digital MPEG data; column 4, lines 19-23 and column 4, lines 62-66) for delivering HTML-formatted information (EPG data; column 4, lines 31-33) retrieved from the Internet (column 4, lines 5-8) to a viewing device (Fig. 1; TV receiver, 34) without the need for a user to possess additional communications hardware (wherein the user simply requires a set top and display; column 3, lines 47-55), the network comprising:

means for selecting, acquiring (EPG Manager, 14) and editing (formatting by MPEG streamer, 18) certain HTML formatted information (column 4, lines 5-13);

a first network computer (Fig. 1; a computer storing the EPG webpages on the Internet, 11) having memory storage means for storing said information (wherein the webpages are inherently stored on the Internet computer; column 3, lines 37-41);

a central network computer (Fig. 1; a computer in headend, 16; column 3, lines 42-46);

means for transmitting the information from said first network computer to said central network computer (column 3, lines 56-61);

one or more communication satellites (direct broadcast satellite; column 4, lines 62-66) for receiving and transmitting broadcast signals (column 4, lines 62-66);

uplink means coupling the information from said central network computer to said satellites in the form of said broadcast signals (wherein an uplink means is inherently present for signals from the headend (16) to reach the satellite; column 4, line 62-66);

downlink means (wherein a downlink means is inherently present for signals from the satellite to reach the set top (24); column 4, line 62-66) coupling said broadcast signals from said satellites to a receiving antenna (wherein an antenna is inherently present for the set top to receive transmitted satellite signals) situated within said satellite's coverage area (the antenna must be situated in the coverage area for the signal to be received);

an IRD (set top, 24) connected to said receiving antenna (the set top must be connected to the antenna to receive the satellite signals);

said viewing device connected to said IRD (Fig. 1) to receive the information (the set top sends EPG data to the television for display; EPG column 3, lines 47-53), said viewing device containing means for displaying the information on said viewing device (information is displayed on the television; column 3, lines 53-55).

While Wang discloses a viewing device (television, 34), he fails to specifically disclose wherein a memory is situated within the viewing device and a serial connection between said viewing device and the IRD and receiving data on the viewing device via the low-speed serial data port.

In an analogous art, Shintani discloses an information receiving system (Fig. 1) wherein a cable box (Fig. 1, 1) will download information from a center and transfer it to a remote unit (Fig 1, 10; column 3, lines 6-20) over an infrared port (column 3, lines 32-34 and lines 50-57) for storage and display on the remote unit (column 3, lines 38-49) related to the currently output display on a television screen (column 5, lines 22-27). This provides a more flexible, user-friendly means to view received information on a portable device.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include the use of wherein a memory is situated within the viewing device and a serial connection between said viewing device and the IRD and receiving data on the viewing device via the low-speed serial data port, as taught by Shintani, for the typical benefit of providing a portable device which allows a user to view program information in a more flexible and user friendly way.

As to claim 24, while Wang discloses an IRD (set top, 24) incorporated into a DSS terrestrial-satellite communications network (a satellite network which transmits digital MPEG data; column 4, lines 19-23 and column 4, lines 62-66), said IRD capable of transmitting received satellite-broadcast signals including data information (EPG data; column 4, lines 31-33), said IRD comprising: a first port to provide linking means to a television (Fig. 1; TV receiver, 34), Wang fails to specifically disclose a second port to provide linking means to a viewing device, wherein said linking means is a low-speed

serial data port capable of transferring the information via a serial connection to said viewing device without the need for a user to possess a dedicated telephone line or modem.

In an analogous art, Shintani discloses an information receiving system (Fig. 1) wherein a cable box (Fig. 1, 1) will download information from a center and transfer it to a remote unit (Fig 1, 10; column 3, lines 6-20) over an infrared port (column 3, lines 32-34 and lines 50-57) for **storage** and **display** on the **remote unit** (viewing device; column 3, lines 38-49) which is related to the currently output display on a television screen (column 5, lines 22-27). This provides a more flexible, user-friendly means to view received information on a portable device.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include a second port to provide linking means to a viewing device, wherein said linking means is a low-speed serial data port capable of transferring the information via a serial connection to said viewing device without the need for a user to possess a dedicated telephone line or modem, as taught by Shintani, for the typical benefit of providing a portable device which allows a user to view program information in a more flexible and user friendly way.

As to claim 28, Wang discloses a method for delivering information (EPG data; column 4, lines 31-33) to a viewing device (Fig. 1; TV receiver, 34) without the need for a user to possess additional communications hardware (wherein the user simply requires a set top and display; column 3, lines 47-55) comprising the steps of:

means for selecting, retrieving and storing information on a first network computer (wherein EPG information is selected, retrieved and stored in EPG database, 10; column 3, lines 36-41);

a central network computer (Fig. 1; a computer in headend, 16; column 3, lines 42-46);

transferring said information to a central network computer (headend, 16) where said information is stored (in a local database in headend, 16; column 3, lines 56-61);

one or more communication satellites (direct broadcast satellite; column 4, lines 62-66) for receiving and transmitting broadcast signals (column 4, lines 62-66);

uplinking said information from said central network computer to one or more satellites in the form of a broadcast signals (wherein the information from headend 16 is inherently uplinked to a satellite for DBS; column 4, line 62-66);

downlinking said broadcast signals from said satellites to a receiving antenna connected to an IRD (wherein set top, 24 inherently has an antenna to which signals are downlinked for DBS to function correctly; column 4, line 62-66);

transmitting said information from said IRD (24) to said viewing device (information is displayed on the television; column 3, lines 53-55).; and

displaying said information on said viewing device via displaying means (information is displayed on the television; column 3, lines 53-55).

While Wang discloses a viewing device (television, 34), he fails to specifically disclose wherein a memory is situated within the viewing device and the viewing device is serially connected via a low-speed serial data port to the IRD.

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In an analogous art, Shintani discloses an information receiving system (Fig. 1) wherein a cable box (Fig. 1, 1) will download information from a center and transfer it to a remote unit (Fig 1, 10; column 3, lines 6-20) over an infrared port (column 3, lines 32-34 and lines 50-57) for storage and display on the remote unit (column 3, lines 38-49) related to the currently output display on a television screen (column 5, lines 22-27). This provides a more flexible, user-friendly means to view received information on a portable device.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's method to include the use of wherein a memory is situated within the viewing device and the viewing device is serially connected via a low-speed serial data port to the IRD, as taught by Shintani, for the typical benefit of providing a portable device which allows a user to view program information in a more flexible and user friendly way.

As to claims 3, 14 and 27, Wang and Shintani disclose wherein the viewing device is a PDA (see Shintani at column 3, lines 21-25).

As to claims 4, 15 and 29, Wang and Shintani disclose automatically storing said information in said viewing device's storage memory (wherein required information is automatically retrieved and in the remote; see Shintani at column 5, lines 1-21).

As to claims 5, 17, 25 and 30, Wang and Shintani disclose wherein said broadcast signals further comprises audio and video DSS signals (See Wang at Fig. 3; column 7, lines 31-37) bundled with the information (See Wang at Fig. 3; column 7, lines 31-42), said audio and video signals corresponding to a selected television channel (see Wang at column 7, lines 50-54).

As to claims 6, 18 and 31, Wang and Shintani disclose wherein said IRD further comprises means for extracting the information from said broadcast signals (see Wang at column 7, lines 55-67 and column 8, lines 1-10).

As to claims 7, 19 and 32, Wang and Shintani disclose wherein the information is related to the subject matter of said selected television channel (program guide information for the current channel; column 7, lines 37-39), thereby eliminating the need for separate channel allocation for broadcasting of the information (since every channel contains it's relevant info, a separate channel is inherently unneeded; column 5, lines 58-62).

As to claims 9, 21 and 35, Wang and Shintani disclose wherein the information comprises television program guide data (see Wang at column 4, lines 24-33).

As to claim 33, Wang and Shintani disclose wherein the information comprises HTML formatted data retrieved from the Internet (see Wang at column 4, lines 5-8).

As to claims 16 and 34, Wang and Shintani disclose wherein said means for displaying said information comprises a browser (see Wang at column 3, lines 51-55).

As to claim 36, Wang and Shintani disclose wherein the information comprises television program guide data (see Wang at column 3, lines 62-67) and HTML-formatted information retrieved from the internet (see Wang at column 4, lines 5-8).

4. Claims 8, 10, 11, 20, 22, 23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Shintani as applied to claims 9, 21 and 36 above, and further in view of Stiles (US2002/0069416) (of record).

As to claim 8, while Wang and Shintani disclose a first computer (Fig. 1; EPG Database, 10; column 3, lines 37-41), they fail to specifically disclose a second network computer for processing, formatting and storing said information.

In an analogous art, Stiles discloses a satellite broadcast system (Fig. 1; paragraph 17) wherein a network operations center (30) will assemble and broadcast programming (paragraph 17, lines 8-16) to a first computer (Fig. 1; NOB, 26 comprising a computer to control processing; paragraph 32, lines 11-16; paragraph 17, lines 5-16 and paragraph 19, lines 1-5) and then a second computer (NOB, 71 comprising a computer to control processing; paragraph 32, lines 11-16; paragraph 22, lines 1-4 and lines 11-17) and wherein each computer will then prepare the information (Fig. 2; paragraph 28 and paragraph 33) for distribution to users (Fig. 1, VSAT users, 72;

paragraph 22, lines 11-17) for the typical benefit of allowing local computers to process the programming for local audiences (paragraphs 25 and 26).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Shintani's system to include a second network computer for processing, formatting and storing said information, as taught by Stiles, for the typical benefit of enabling EPG information in a television system to be tailored to be more relevant to local viewers.

As to claim 20, while Wang and Shintani disclose a first computer (Fig. 1; a computer storing the EPG webpages on the Internet, 11; column 4, lines 5-8) they fail to specifically disclose a second network computer for processing, formatting and storing said information.

In an analogous art, Stiles discloses a satellite broadcast system (Fig. 1; paragraph 17) wherein a network operations center (30) will assemble and broadcast programming (paragraph 17, lines 8-16) to a first computer (Fig. 1; NOB, 26 comprising a computer to control processing; Fig. 2, paragraph 32, lines 11-16; paragraph 17, lines 5-16 and paragraph 19, lines 1-5) and then a second computer (NOB, 71 comprising a computer to control processing; Fig. 2, paragraph 32, lines 11-16; paragraph 22, lines 1-4 and lines 11-17) and wherein each computer will then prepare the information (Fig. 2; paragraph 28 and paragraph 33) for distribution to users (Fig. 1, VSAT users, 72; paragraph 22, lines 11-17) for the typical benefit of allowing local computers to process the programming for local audiences (paragraphs 25 and 26).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Shintani's system to include a second network computer for processing, formatting and storing said information, as taught by Stiles, for the typical benefit of enabling EPG information in a television system to be tailored to be more relevant to local viewers.

As to claims 10 and 37, while Wang and Shintani disclose a wherein said program guide data is compiled at a repository broadcast center (Fig. 1; EPG Database, 10; column 3, lines 37-41) which is the first computer (see claims 1 and 28), they fail to specifically disclose wherein the repository broadcast center is at a location remote from the first computer and transmits to said first computer.

In an analogous art, Stiles discloses a satellite broadcast system (Fig. 1; paragraph 17) wherein a network operations center (30) will assemble and broadcast programming (paragraph 17, lines 8-16) to a first computer (Fig. 1; NOB, 26 comprising a computer to control processing; Fig. 2, paragraph 32, lines 11-16; paragraph 17, lines 5-16 and paragraph 19, lines 1-5) which will then transmit to a second computer (NOB, 71 comprising a computer to control processing; Fig. 2, paragraph 32, lines 11-16; paragraph 22, lines 1-4 and lines 11-17) for distribution to users (Fig. 1, VSAT users, 72; paragraph 22, lines 11-17) for the typical benefit of allowing a single source to distribute content all over the world (paragraph 17, lines 12-16) with local computers to process the programming for a local audience (paragraphs 25 and 26).

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It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Shintani's system to include wherein the repository broadcast center is at a location remote from the first computer and transmits to said first computer, as taught by Stiles, for the typical benefit of allowing a single source to distribute programming to a wide an audience and still tailor the programming to local viewers.

As to claim 22, while Wang and Shintani disclose a wherein said program guide data is compiled at a repository broadcast center (Fig. 1; a computer storing the EPG webpages on the Internet, 11; column 4, lines 5-8) which is the first computer (see claim 12) they fail to specifically disclose wherein the repository broadcast center is at a location remote from the first computer and transmits to said first computer.

In an analogous art, Stiles discloses a satellite broadcast system (Fig. 1; paragraph 17) wherein a network operations center (30) will assemble and broadcast programming (paragraph 17, lines 8-16) to a first computer (Fig. 1; NOB, 26 comprising a computer to control processing; Fig. 2, paragraph 32, lines 11-16; paragraph 17, lines 5-16 and paragraph 19, lines 1-5) which will then transmit to a second computer (NOB, 71 comprising a computer to control processing; Fig. 2, paragraph 32, lines 11-16ed; paragraph 22, lines 1-4 and lines 11-17) for distribution to users (Fig. 1, VSAT users, 72; paragraph 22, lines 11-17) for the typical benefit of allowing a single source to distribute content all over the world (paragraph 17, lines 12-16) with local computers to process the programming for a local audience (paragraphs 25 and 26).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Shintani's system to include wherein the repository broadcast center is at a location remote from the first computer and transmits to said first computer, as taught by Stiles, for the typical benefit of allowing a single source to distribute programming to a wide an audience and still tailor the programming to local viewers.

As to claims 11 and 23, Wang, Shintani and Stiles disclose wherein said program guide data comprises television program information for an entire channel (simulcast data corresponding to the current channel; column 7, lines 46-49) over the course of a predetermined number of hours (wherein the EPG data is for a predetermined number of days; see Wang at column 7, lines 1-7).

5. Claims 2, 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Shintani as applied to claims 1, 12 and 24 above, and further in view of Zdepski et al. (Zdepski) (6,606,746) (of record).

As to claims 2, 13 and 26, while Wang and Shintani disclose wherein the viewing device is a PDA (see Shintani at column 3, lines 21-23), they fail to specifically disclose wherein the viewing device is a personal computer.

In an analogous art, Zdepski discloses a broadcast satellite system (Fig. 1; column 4, lines 46-50) wherein an interactive decoder (140) will output received signals (column 6, lines 25-27) for display on any of a plurality of devices (such as a personal

computer; column 6, lines 25-27 and lines 4-7). This provides the typical benefit of allowing a user to utilize a commonly available home computer for display.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Shintani's system to include wherein the viewing device is a personal computer, as taught by Zdepski, for the typical benefit of allowing a user to utilize any commonly available viewing device, such as a home computer, to display received television programming information.

Response to Arguments

6. Applicant's arguments filed 10/08/04 have been fully considered but they are not persuasive.

a. On pages 13 and 14 of applicant's response, applicant states that Shintani fails to teach, suggest or disclose a serial connection as recited in the claims.

In response, as previously cited, Shintani discloses transmitting information to/from a remote control via an infrared port (see Shintani at column 3, lines 32-34 and lines 50-57). An infrared remote control port transmitting data more than meets the broad language of a "serial connection", as recited in the claims. It is noted that a serial connection calls for nothing more than the sequential transmission of data.

b. On page 14, applicant further argues that infrared rays, electric waves or ultrasonic waves (as disclosed by Shintani) do not meet the limitation of a serial

connection because neither the claims or the specification (of the current application) describe the use of infrared rays, electric waves or ultrasonic waves for a wireless connection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the non-wireless nature of the serial connection) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

More specifically, applicant argues that the wireless nature of Shintani's connection (i.e. the use of an infrared port to transmit information) does not constitute a serial connection. Applicant is directed to (a) above, wherein it is shown that the infrared port of Shintani meets the broad claim limitation "serial". While paragraph 24 of applicant's specification, as cited by applicant, does specify a particular form of serial connection (i.e. an RS-232 serial connection), this limitation is not currently present in the claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600